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Mar 28th, 11:00 AM - 11:30 AM

# Fifty Shades Of Kramer: An Analysis of Kramer's Account of The Nature of Sadomasochism and Torture

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Udoka Okafor, "Fifty Shades Of Kramer: An Analysis of Kramer's Account of The Nature of Sadomasochism and Torture" (March 28, 2015). *Essays of Significance*. Paper 4.  
<http://scholar.uwindsor.ca/essaysofsignificance/2014/cr2014/4>

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**Fifty Shades Of Kramer: An Analysis of Kramer's Account of The Nature of  
Sadomasochism and Torture**

**Introduction**

In his book, *Torture and Moral Integrity*, Kramer gives an account of sadomasochism, and an analysis of instances of sadomasochism that counts as either simulations of torture or torture itself. He also expounds an argument for why he thinks that acts of sadomasochism are always and everywhere morally wrong. This paper is going to examine the arguments put forth by Kramer with respect to the relationship between sadomasochism and torture. Ultimately, this paper will argue that Kramer has a very simplistic understanding of the nature of sadomasochistic relationships, and the psychopathy of sexual sadists, which is what leads him to his crude conclusions. This paper explores a very important subject, because the sadomasochistic community is a sexually marginalized and a misunderstood community, and so if someone is going to proceed to label some actions of the community as torture and all ordeals that take place within the community as morally wrong, then that person must have a deep understanding of the complexities of the community, which Kramer does not have. Thus, this paper will explore and analyze the complex nature of sadomasochism, and subsequently reject a majority of the claims that Kramer makes about the community.

**Kramer's Account Of The Nature of Sadomasochism and Torture**

Sadomasochism is a subset or a subculture of the Bondage and Discipline, Dominance and Submission, and Sadism and Masochism (BDSM) community. According to the *New Oxford American Dictionary*, sadism is defined as the disposition to receive pleasure, especially sexual gratification from inflicting pain, suffering, and

humiliation on other people. Masochism, on the other hand, is defined as the disposition to derive pleasure and sexual gratification from one's own pain, suffering, and humiliation. Thus, persons in a consensual sadomasochist relationship are involved in the mutual infliction and reception of pain, suffering, and humiliation in a symbiotically dialectical way. Sadomasochism is "the eroticization of dominance and submission. It is about the ritualization of dominance and submission" (Weinberg, 404). An example of an act that can take place within a sadomasochistic relationship is the flogging or whipping of one party, usually the masochist, by another party, usually the sadist. In this case, the sadist derives pleasure from flogging the masochist, while the masochist derives pleasure from being flogged by the sadist.

Kramer expounds and furthers David Sussman's account on the relationship between sadomasochism and torture. Kramer, like Sussman, argues that acts of sadomasochism fall into two categories, either they are a simulation of torture or they are acts of torture. In order to understand these categories, Kramer makes three further distinctions between acts of sadomasochism. In the first instance of an act of sadomasochism that Kramer expounds, both parties have an agreed upon safe word (Kramer, 44). Generally speaking, when a sadomasochistic couple, within the context of a BDSM relationship engage in sexual acts, they usually agree on a safe word that the masochist can say when they are uncomfortable with the sadist's actions and wants them to stop. Sussman argues, "the infliction of severe pain by a sadomasochist upon a willing victim is not torture if they have agreed on a signal or some 'stop words' with which the person who undergoes the painful treatment can bring it to a halt (Kramer, 44). Thus, in this instance, the masochist holds absolute and effective power to withdraw consent from

the act, and so this first case is an instance of a simulation of torture, but not the act of torture (Kramer, 44). The second distinction that Kramer explicates, with respect to Sussman's view, is an instance of sadomasochism wherein "the tormentor makes it clear that he does not recognize the victim's right to opt out, taking himself to be as unconstrained morally as he is physically" (Kramer, 44). In this instance, the sadist and the masochist have agreed upon a safe word, but when the masochist utilizes that safe word, the sadist completely ignores it. In this instance of sadomasochism, the act ceases to be consensual and it is no longer a simulation of torture, but it is an act of torture.

Kramer describes a third instance of sadomasochism that Sussman does not address, and this "is a situation in which no such signal has ever been arranged" (Kramer, 44). In this third instance, no safe word is agreed upon by both parties so as to maximize the sexual gratification that both parties receive from the act (Kramer, 44). According to Kramer, in the context "of sadomasochistic abuse where no opt-out arrangement is in place, such abuse without such an arrangement is torture regardless of how enthusiastically the victim has given his consent" (Kramer, 45). So, what distinguishes the first instance of sadomasochistic acts from the second and the third instance is the element of *genuine or relevant control* (Kramer, 112). Kramer argues, "the presence of consent does not entail the presence of control, [as] there can occur instances of veritable torture that are consensual" (Kramer, 112). In the first instance where a safe word has been agreed upon, the act is consensual and since the masochist can halt it at any time, there is also the presence of relevant control on the part of the masochist. In the third instance of the sadomasochistic act, the act is consensual, but according to Kramer, the masochist has no relevant control since they cannot end the act at any time, and as such

the act amounts to torture. In the second instance of sadomasochism, the act is both non-consensual and the masochist has no control since the sadist has completely disregarded the agreed upon safe word, and thus the act amounts to torture. This element of control is so important to Kramer's conception of torture that he inserts it in the last line of his definition, which states, "whenever the deliberate or extravagantly reckless infliction of severe pain amounts to torture, the victim lacks any genuine control over the duration of the infliction" (Kramer, 114).

Kramer has distinguished between simulations of torture and acts of torture itself with respect to sadomasochism, and according to Kramer, even though not all acts of sadomasochism are instances of torture, "sadomasochistic ordeals...are morally wrong in all circumstances" (Kramer, 211). In order to derive the moral wrongness of acts of sadomasochism, Kramer distinguishes between *the victim focused* and *the perpetrator focused* perspective, when discussing sadomasochism. It should be noted, however, that in the second instance of sadomasochism differentiated above, the victim-focused perspective is enough to discredit this act of torture as morally wrong on Kramer's account. This is so because the sadist in this situation has completely disregarded the explicit wishes of the masochist, and they are inflicting pain on the masochist in a non-consensual manner, where the masochist lacks any form of relevant control. Thus, we do not need to shift to the perpetrator-focused perspective to understand why the second instance of torture is always morally wrong. However, in order to understand why the infliction of sadomasochistic acts of torture are wrong in all of their instantiations, as rendered in the aforementioned first and third instance, one must shift to the perpetrator focused perspective (Kramer, 211).

Kramer argues that “[the] derivation of sadistic gratification from the knowledge that [they are] causing someone else to suffer grievously is what renders [their] behavior morally illegitimate” (Kramer, 211). For instance, if Gabriella and Dick Cheney are involved in a sadomasochistic relationship, where Gabriella is the sadist and Dick is the masochist, what makes Gabriella’s actions always and everywhere morally wrong is that Gabriella derives pleasure from Dick’s pain and misery, in a way that is very morally demeaning for Dick (Kramer, 212). The consent that Dick gives undermines any victim-focused perspective, but it does not undermine any perpetrator-focused perspective. The only thing that can undermine the perpetrator-focused perspective, on Kramer’s account, is if Gabriella is an unwilling participant, and is merely engaging in sadomasochistic acts with Dick, solely and exclusively for his pleasure, and not her own (Kramer, 211).

#### A Criticism of Kramer’s Account of the Nature of Sadomasochism and Torture

In order to respond to Kramer, this paper will first highlight the difference between *negative pain* and *positive pain* that was expounded by Staci Newmahr. Newmahr argues that pain is normally understood as an inherently negative experience, wherein anyone who experiences pain is experiencing something harmful, or in the case of a masochist, is having something harmful being done to them (Newmahr, 389). Newmahr argues that there is such a thing as positive pain wherein pain ought to be reframed, not as something that seeks to harm, but as a tool that seeks to invoke pleasure in people, and this is especially evident in the context of consensual sadomasochistic relationships (Newmahr, 398). Kramer is not oblivious to this difference, and he notes that the act of interrogational torture is considerably worse than the act of sadomasochism because, while the former seeks to inflict severe pain on its victim, the latter seeks also to

inflict severe pain on its victim, but for the sake of pleasure (Kramer, 164). However, in this situation, he wants to frame the pain as *instrumentally* good, and in this way his distinction falls short of the distinction that Newmahr seeks to make. With respect to positive pain, Newmahr does not simply want to label the pain as instrumentally good, rather she wants to label positive pain as *intrinsically good*. In her article she asserts that in the context of sadomasochistic acts, “pain is pleasure” (Newmahr, 407). Thus, based on Newmahr’s distinction, and contrary to Kramer’s argument, the masochist is not being inflicted with negative pain, which would constitute a morally abhorrent act, as in the second instantiation of sadomasochism described above. Rather, the masochist is being inflicted with positive pain, which is conceptually, and practically synonymous to- and not simply instrumental to- pleasure. With respect to sadomasochistic actions, positive pain or pleasure is not morally abhorrent, as it does not vary from the pleasure that non-sadomasochistic couples seek during their various sexual escapades.

Kramer argues that what makes sadomasochism, always and everywhere, morally wrong is the fact that the sadist is deriving pleasure and gratification from causing someone else severe pain and suffering. However, as has already been argued above, the pain being inflicted on the masochist is positive pain, which Staci Newmahr has argued is synonymous to pleasure. However, another point to note is that Kramer has a very simplistic and two-dimensional understanding of sadomasochistic relationships. He frames his argument as though the sadist’s gratification comes, solely and exclusively from inflicting pain, albeit positive pain, on the masochist and that is simply not true. In *Forensic and Medico-legal Aspects of Sexual Crimes and Unusual Sexual Practices*, Anil Aggrawal distinguishes between four classes of sexual sadists, Class I, Class II, Class III,

and Class IV (Aggrawal, 176). Class I sexual sadists are persons who have sadistic sexual fantasies but do not act on them (Aggrawal, 176). Class II sexual sadists are persons who have sadistic sexual fantasies but *only* acts on these fantasies with consenting sexual masochists (Aggrawal, 176). Class III sexual sadists are persons who have sadistic sexual fantasies and acts on them with non-consenting victims, but does not seek to harm them in any serious way (Aggrawal, 176). Class IV sexual sadists are persons who have sadistic sexual fantasies, they only act on these fantasies with non-consenting victims, and they seek to cause very serious harm to their victims or to kill them after the act is over (Aggrawal, 176). Class I is equivalent to a dormant sadists, and Class III and Class IV is equivalent to sadistic torturers and rapists.

However, in the context of a sadomasochistic relationship between two consenting adults, the sadist will fall into the Class II division. The Class II sexual sadists in this situation do not simply get pleasure from inflicting pain on others, but presumably persons within this category will not get any gratification if they inflict pain on non-consenting victims. Thus, it is not simply that these sexual sadists get pleasure exclusively from other people's pain, but these Class II sadists *only* get this sexual gratification when the masochist on the receiving end consented to and is mutually benefitting from the sexual acts, and as such they only get sexual gratification when they are inflicting positive pain on the masochist. Kramer argues that the sadist morally demeans and debases the masochist, and this is what makes their actions morally wrong (Kramer, 212). However, it is not clear that this is the case in the context of a sadomasochistic relationship with two consenting adults where the sadist is a Class II sexual sadist. The sadist does not morally debase the masochist because they recognize



them as an end in themselves, they recognize their pleasure as an end that is worth pursuing, and they do not get any sexual gratification from merely inflicting pain on the masochist, when the masochist is not mutually benefiting from the sexual act. Therefore, Kramer's account of a sadomasochistic relationship is too simplistic to encompass the psychopathy of sexual sadists as described by Aggrawal.

The final issue that this paper will explore is the issue of consent and control within the context of a sadomasochistic relationship. There were three discerned instantiations of sadomasochistic acts; in the first instance the masochist was described to have consent and control, in the second instance the masochist had no consent or control, and in the third instance the masochist consented to the act but did not have relevant control over the sadist's actions. This paper does not seek to contest Kramer's analysis of the first two instantiations of sadomasochistic acts, rather it seeks to contest his analysis of the third instantiation of sadomasochism, which is very problematic and unable to grapple with the realities of sadomasochism. The third instantiation of sadomasochism that was described by Kramer is described as edgeplay within the BDSM community.

During edgeplay, the masochist and sadist can agree that the masochist may not use a safe word for the duration of the sexual act, and this decision does take some control away from the masochist. However, before two parties engage in edge play, the sadist and the masochist discuss every single sexual act that is going to take place and the masochist gets absolute control in deciding what the sadist can and cannot do. The sadist will have to disclose all the risks, whether large or small, that is constituted in the proposed act and the masochist will get to factor that into their decision-making. The masochist also gets to decide the degree of the action that the sadist engages in, but also

how long the act is to take place for. For instance, erotic asphyxiation- strangling the masochist- is an act that will render the masochist unconscious during the activity and so they will be unable to use a safe word for the duration of the activity. However, the masochist will get to decide if they only want to be strangled for at most three minutes, and the sadist cannot go over the three minutes mark or they would have acted without the consent of the masochist.

If the sadist, in anyway, coerces or deceives the masochist or does not adhere to the very strict and absolute terms set out by the masochist, then the sadist's actions becomes an example of the second instantiation of sadomasochistic acts described by Kramer, and thus their action is not one that is authorized by the masochist, the edgeplay community, the sadomasochistic community, and the BDSM community as a whole. So, even in the case where the masochist decides not to use a safe word, they still have some relevant control over the sadist's actions and the sexual acts of the sadist are therefore constricted by the masochist's terms. However, this only applies in Kramer's third instantiation of sadomasochistic actions, where a Class II sadist is involved, who only seeks to exert positive pain on their consenting masochistic partner. Consequently, the masochist has partial, if not total control in the relevant sense, during the third instance of sadomasochistic acts, and so even by Kramer's own framework, when the complexities and realities of the sadomasochistic community is taken into account, it cannot be correctly categorized as an act of torture, rather it constitutes a simulation of torture, as in the first instance of sadomasochistic acts described by Kramer.

This paper has examined Kramer's account of the nature of sadomasochism and torture, and has criticized the simplistic nature of the account that Kramer expounds. This

paper delved into the complexities and the realities of the sadomasochistic community, and has argued that once these factors are taken into account, we must repudiate Kramer's conception of the moral wrongness of sadomasochistic acts. As was stated at the beginning of this paper, the sadomasochistic community is a highly misunderstood community, and so one must fully account for their complexities if one seeks to have a substantive discussion about the community. The sadomasochistic community, and the BDSM community as a whole tend to be criminalized by society. However, Kramer argued in his book that sadomasochistic acts must not be criminalized, as the consent given by both parties undermines any legal sanctions that can be brought against the parties. The liberation, both morally and legally of the sadomasochistic community is a civil rights and a constitutional rights issue, that must be expounded on further, but I suppose that that is an issue and thus, a paper for another time.

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